

BYLAWS OF THE BOARD

Legal Protection

Liability Insurance

The San Joaquin County Office Education shall provide liability insurance necessary to protect Board members while acting within the scope of their office or employment in accordance with Education Code 35208.

Protection Against Liability

No Board member shall be liable for harm caused by his/her act or omission when acting within the scope of county office responsibilities. The act or omission must be in conformity with federal, state and local laws and made in furtherance of an effort to control, discipline, expel or suspend a student, or maintain order or control in the classroom or school.

The protection against liability shall not apply when:

1. The Board member acted with willful or criminal misconduct, gross negligence, recklessness, or a conscious, flagrant indifference to the harmed person's right to safety.
2. The Board member has committed a fraudulent conduct; knowing and intentional breach of duty; or willful, reckless or negligent acts which are expected or intended to cause damage to property or injury to another.
3. The Board member intentionally violated a penal statute or ordinance committed by or with the knowledge or consent of any Covered Party.
4. The Board member caused harm by operating a motor vehicle while acting outside an official capacity.
5. The Board member was not properly licensed, if required, by the State for such activities.
6. The Board member was found by a court to have violated a federal or state civil rights law.
7. The Board member was under the influence of alcohol or any drug at the time of the misconduct.
8. The misconduct constituted a crime of violence pursuant to 18 USC 16 or an act of terrorism for which the Board member has been convicted in a court.
9. The misconduct involved a sexual offense for which the Board member has been convicted in a court.

cf: 3530 Insurance Management

Legal Reference:

EDUCATION CODE

17029.5 Contract funding; board liability

35208 Liability insurance

35214 Liability insurance (self insurance or a combination of self insurance and insurance through an insurance company)

GOVERNMENT CODE

815.3 Intentional torts

820-823 Tort Claims Act

825.6 Indemnification of public entity

1090-1098 Conflicts of interest, prohibitions applicable to specified officers

54950-54963 The Ralph M. Brown Act

87100-89503 Conflicts of interest

UNITED STATES CODE, TITLE 18

16 Crime of violence defined

UNITED STATES CODE, TITLE 20

6731-6738 Teacher Protection Act

(7/03)